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7 Attorneys for Plaintiff  
TRADESHIFT, INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

12 TRADESHIFT, INC., a Delaware corporation,  
13 Plaintiff,  
14 v.  
15 BUYERQUEST, INC., an Ohio corporation,  
16 Defendant.

Case No. 3:20-cv-1294-RS

**PLAINTIFF TRADESHIFT, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF  
MOTION RE THIRD PARTY  
SMUCKER SERVICES CO.'S  
PRIVILEGE CLAIM PURSUANT TO  
FRCP 26(B)(5)(B).**

Hon. Richard Seeborg  
Hon. Thomas Hixon

28 TRADESHIFT'S MOTION TO FILE UNDER  
SEAL RE MOTION RE THIRD PARTY  
SMUCKER SERVICES CO.'S PRIVILEGE  
CLAIM PURSUANT TO FRCP 26(B)(5)(B)  
CASE NO. 3:20-CV-1294-RS

1 Pursuant to Civil Local Rules 79-5 and 7-11, Plaintiff Tradeshift, Inc. (“Tradeshift”)  
2 hereby moves to file under seal certain portions of Tradeshift’s Letter Brief re Third Party  
3 Smucker Services Co.’s (“JMS”) Privilege Claim Pursuant to Fed. R. Civ. P. 26(b)(5)(B).  
4 Specifically, pursuant to Local Rule 79-5(e), Tradeshift seeks to seal documents and information  
5 that Third Party JMS has designated as Confidential or Highly Confidential under the Protective  
6 Order issued in this case or documents and information over which JMS now claims privilege  
7 pursuant Fed. R. Civ. P. 26(b)(5)(B), including:

- 8 • Tradeshift’s Letter Brief containing discussions of information that JMS has  
9 designated as Confidential or Highly Confidential and discussions of documents over  
10 which JMS claims attorney-client privilege.
- 11 • **Exhibit 1**, an email and attached memorandum, originally produced at  
12 TJMSC0034689-691, clawed back by JMS pursuant to Fed. R. Civ. P. 26(b)(5)(B).
- 13 • **Exhibit 7**, an email that Smucker produced at TJMSC0026002 and designated  
14 “Confidential”
- 15 • **Exhibit 8**, a document Smucker Produced at TJMSC0016646 and designated  
16 “Confidential”
- 17 • **Exhibit 9**, excerpts of the transcript of the May 12, 2021 Deposition of Jason Barr,  
18 which Smucker has designated “Confidential.”

19 Pursuant to Local Rule 79-5(e), Tradeshift understands that JMS will file a declaration  
20 establishing that the designated documents are sealable. For the reasons stated in said  
21 declaration, Tradeshift respectfully requests the Court grant this motion to seal.

22 Dated: May 18, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

23 By: /s/ Amy K. Van Zant  
AMY K. VAN ZANT

24 Attorneys for Plaintiff  
25 TRADESHIFT, INC.